

# JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

**CHAIRMAN:**  
Judge Wm. Terrell Hodges  
United States District Court  
Middle District of Florida

**MEMBERS:**  
Judge John F. Keenan  
United States District Court  
Southern District of New York

Judge Morey L. Sear  
United States District Court  
Eastern District of Louisiana

Judge Bruce M. Selya  
United States Court of Appeals  
First Circuit

Judge Julia Smith Gibbons  
United States District Court  
Western District of Tennessee

Judge D. Lowell Jensen  
United States District Court  
Northern District of California

Judge J. Frederick Motz  
United States District Court  
District of Maryland

**DIRECT REPLY TO:**

Michael J. Beck  
Clerk of the Panel  
One Columbus Circle, NE  
Thurgood Marshall Federal  
Judiciary Building  
Room G-255, North Lobby  
Washington, D.C. 20002

Telephone: (202) 502-2800  
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<http://www.jpml.uscourts.gov>

December 10, 2001

FILED  
LOGGED  
RECEIVED

MAIL

DEC 13 2001

AT SEATTLE  
CLERK U.S. DISTRICT COURT  
BY WESTERN DISTRICT OF WASHINGTON  
DEPUTY

Bruce Rifkin, Clerk  
2155 William Kenzo Nakamura  
U.S. Courthouse  
1010 Fifth Avenue  
Seattle, WA 98104

Re: MDL-1407 -- In re Phenylpropanolamine (PPA) Products Liability Litigation

*Andrea S. Nutt, et al. v. Bayer Corp.*, W.D. Kentucky, C.A. No. 3:01-366

Dear Mr. Rifkin:

A conditional transfer order was filed in the above-captioned action on September 27, 2001. Prior to the expiration of the automatic fifteen-day stay, and, pursuant to Rule 7.4(c) of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, 199 F.R.D. 425, 435 (2001), opposition to the proposed transfer was filed and the conditional transfer order was stayed until further order of the Panel. A request for withdrawal of the previously-filed opposition to the proposed transfer has been received by this office and an order is being filed lifting the stay of the conditional transfer order and transferring the action to your district pursuant to 28 U.S.C. §1407. I am enclosing a certified copy of today's order lifting the stay.

A list of involved counsel is attached.

Very truly,

Michael J. Beck  
Clerk of the Panel

I hereby certify that the  
annexed instruments is a true  
and correct copy of the original  
on file in my office.

ATTEST: BRUCE RIFKIN  
Clerk, U.S. District Court  
Western District of Washington

By April C. Layre  
Deputy Clerk

By Manuel J. [Signature]  
Deputy Clerk

Enclosures

cc: Transferee Judge: Hon. Barbara Jacobs Rothstein  
Transferor Judge: Hon. Charles R. Simpson, III  
Transferor Clerk: Jeffrey A. Apperson

JPML Form 69

**A CERTIFIED TRUE COPY**

DEC 10 2001

ATTEST *David C. Lamy*  
FOR THE JUDICIAL PANEL OF  
MULTIDISTRICT LITIGATION

JUDICIAL PANEL ON  
MULTIDISTRICT LITIGATION

DEC 10 2001

FILED  
CLERK'S OFFICE

**DOCKET NO. 1407**

**BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION**

**IN RE PHENYLPROPANOLAMINE (PPA) PRODUCTS LIABILITY  
LITIGATION**

*Andrea S. Nutt, et al. v. Bayer Corp.*, W.D. Kentucky, C.A. No. 3:01-366

**ORDER LIFTING STAY OF CONDITIONAL TRANSFER ORDER**

A conditional transfer order was filed in this action (*Nutt*) on September 27, 2001. Prior to expiration of the mandatory fifteen-day stay of execution, plaintiffs in *Nutt* filed a notice of opposition to the proposed transfer and the subsequent motion and brief to vacate the conditional transfer order. Plaintiffs in *Nutt* have now advised the Panel that they withdraw their initial opposition to the conditional transfer order.

IT IS THEREFORE ORDERED that the stay of the Panel's conditional transfer order designated as "CTO-2" filed on September 27, 2001, is LIFTED insofar as it relates to this action, and thus the action is transferred to the Western District of Washington for inclusion in the coordinated or consolidated pretrial proceedings under 28 U.S.C. §1407 being conducted by the Honorable Barbara Jacobs Rothstein.

FOR THE PANEL:

*Michael J. Beck*

Michael J. Beck  
Clerk of the Panel

I hereby certify that the  
annexed instruments is a true  
and correct copy of the original  
on file in my office.  
ATTEST: BRUCE RIFKIN  
Clerk, U.S. District Court  
Western District of Washington.  
By *Mary Beth*  
Deputy Clerk

**INVOLVED COUNSEL LIST**  
**DOCKET NO. 1407**  
**IN RE PHENYLPROPANOLAMINE (PPA) PRODUCTS LIABILITY LITIGATION**

*Andrea S. Nutt, et al. v. Bayer Corp.*, W.D. Kentucky, C.A. No. 3:01-366

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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
OFFICE OF THE CLERK

BRUCE RIFKIN  
CLERK

WILLIAM KENZO NAKAMURA  
U.S. COURTHOUSE, SUITE 215  
SEATTLE, WASHINGTON 98104

December 17, 2001

Jeffrey A. Apperson, Clerk  
US District Court  
106 Gene Snyder US Courthouse  
601 W. Broadway  
Louisville, KY 4020

IN RE: MDL 1407 PHENLYPROPANOLAMINE (PPA) PRODUCTS LIABILITY LITIGATION

Dear Clerk:

*CTO-2*

Enclosed is a certified copy of the Transfer Order - Order Lifting Stay of Conditional Transfer Order from ~~CTO-3~~ entered by the Judicial Panel on Multidistrict Litigation. The Order became effective December 10, 2001. We have assigned an individual Western District of Washington (WAW) case number to your case to be transferred to us as listed below.

Please send us your file along with a certified copy of your docket entries. When you send your file, please refer to our case action number

Title of Case	Your Number	WAW Number
1. Andrea S. Nutt vs. Bayer Corp	3:01-366	<b>CV01 2042</b>

Sincerely,

BRUCE RIFKIN, CLERK

By *Mary Duett*

Mary Duett, Deputy Clerk  
206-553-4080 ext 2154